

1897-027 Chancery Causes: Mrs. Alpha A. Forister vs. John L. Pennington &
Lee Co.

Crider, Ely, Sewell, Richmond

CA-Contract Dispute
T-Property

-Deed

To the Hon. Wm. T. Miller, Judge of the Circuit Court for the County of Lee:-

Humbly complaining your oratorix, Alpha A. Forister, would respectfully represent unto your Honor:

That on the 22nd day of September, 1891, she sold to J. D. and J. L. Pennington eight certain town lots in the town of Pennington Gap, consisting of Lots Nos. 3, 8, 9, 12, and 13, in block no 1 of the T. B. Forister plat No. A, recorded in the Clerk's office of the County Court of Lee County, and Lots No. 1, 2, and 3 in Block No. 2 of the same plat and plan and fronting on Forest Street, as will appear from a copy of the deed with the said Alpha A. Forister made to the said Penningtons, ^{has filed marked "A"} and made part of this bill; that the said J. D. and J. L. Pennington for the said lots were to pay your oratrix the sum of \$1600.00, as follows, to wit; One third on the first day of December, 1891, One third on the 22nd day of September, 1892, and one third on the 22nd day of September, 1893, as will be seen from a copy of the said deed here filed as aforesaid. Your oratrix will represent and further show unto your honor that the said Penningtons have not complied with their part of the contract, in this that they have not, as they agreed to do, paid all of the said sum of money as aforesaid, but only a small portion thereof, to wit, the sum of \$ 655⁰⁰ on the 1st day of June, 1894, and your oratrix represent, aver, and will show unto your honor that the remaining part of the said Sixteen Hundred Dollars, with its accrued interest is still due and unpaid. And your oratrix will further represent and show unto your honor that when she made the said deed as aforesaid she reserved, as will be seen from an inspection of the said deed, a vendor's lien for the said purchase money.

Alpha A. Furrier

v.s. { Bill in Chy

J. L. Pennington et. al

Pennington Prop. P. Q.

1895 1st Feby Rules bill
filed Spa. Crd & D. N.

11 2nd Feby Rules D. N. Conf.
& cause set for hearing by
Peff.

And your oratrix will further represent and show unto your Honor that the said J.L. and J.D. Pennington by their deed bearing date the 20th day of ^{July} ~~May~~, 1892, a copy of which is here filed and marked "B" and made part of this bill, conveyed one of the lots as aforesaid to Mary J. Ely, which was Lot No. 13, of those described above; and your oratrix will further represent and show unto your honor, that the said Mary J. Ely by deed bearing date May the 20th, 1893, a copy of which is here filed Marked "C" and made part of this bill, in which the said Mary J. Ely conveyed the said lot No. 13 to one G.T. Crider, and your oratrix will further show that the said G.T. Crider by his deed dated the ____ day of ____ 1894, conveyed the said lot No. 13 to one D.C. Sewel, trustee, for the benefit of Sewel and Richmond, Administrators of the estate of M.D. Richmond, Decd. to secure the payment of a certain debt due by the said Crider to the said Sewel and Richmond as Adms; *and that there are no other liens on said land than those before mentioned.*

The premises considered your Oratrix is advised that she is remediless in a court of law, but that she has rights in a court of Equity, and under those rights has a right in this court to have her said vendor's lien enforced.

Her prayer therefor, is, that the said J.L. Pennington, J.D. Pennington, Mary J. Ely, G.T. Crider, B.H. Sewel and S.V.F. Richmond, Administrators of the estate of M.D. Richmond decd. *and D.C. Sewel* be made parties to this bill of complaint, and that each of them be required to answer the same completely, but not upon oath, that your oratrix be granted a judgement for her said sum of money yet unpaid, that an order be entered subjecting the said lots as aforesaid to the said lien, and an order directing the sale of the same be granted; and all such further and general relief be granted your oratrix that the nature of her cause and good conscience may demand. And she will ever pray &c.

Pennington Bros. J.G.

To the Honorable W. J. Miller Judge of the
Circuit Court for Lee County Virginia.

The deponents and answers of B. H.
Sewell and S. D. Richmond administrators
D. B. W. of the Estate of M. D. Richmond
deceased, and D. C. Sewell trustee
for said administrators, to a bill
of Complaint exhibited against
them and others, in said Court,
by Alpha A. Forister.

Respondents say that said bill is
not sufficient in law, ^{not covering} but, if an
answer is required of them they
answer as follows: That
they know nothing of the sale of the
lots to the said Penningtons as
alleged in said bill or of the
payments made thereon, or
what remains unpaid, and
neither admit nor deny these
allegations, but in so far as
the rights of respondents
are sought to be affected
by the enforcement of the
alleged lien of said plaintiff
on the lots of land in said
bill mentioned, respondents
call for strict proof.

Further answering respondents deny
that the alleged lien of the plaintiff
covers or in any way affects
lots nos. 14 and 15, on which

1 they have the deed of trust set
2 forth in the plaintiffs bill.
3 This fact will appear
4 from an inspection of
5 the copy of the deed under
6 which the plaintiff is pro-
7 ceeding, and the copy of
8 the deed of trust of respondents
9 both of which are filed as
10 exhibits in this cause. And
11 respondents ask that said
12 lots nos 14, and 15, be decreed
13 by the Court to respondents
14 at this Court for ^{sale} for their
15 benefit.

16 Respondents say that they are
17 not advised as to the status
18 of lot no 13, caused by their
19 deed of trust, and ask that
20 the status of the same be ascertained.
21 But they allege that if the
22 plaintiff has any lien prior
23 to their deed of trust on said
24 lot no. 13, that the plaintiff
25 has a sufficient security in
26 the other seven lots to satisfy
27 any lien she has, ^{which will be any lot said thing} and respon-
28 dents are advised that a
29 Court of Equity will re-
30 quire the plaintiff to first
31 proceed against said seven
32 lots to satisfy any lien she

may have, and leave to
no 13. for the benefit of
Respondents under their
duty of trust.

Respondents having now answered
as fully as they are advised
is material, pray to be hence dis-
missed with their reasonable
cost in this behalf expended.
And they will ever pray etc.

Duncan & Hyatt,
attys for Respondents.

Sewell & Richardson Adam
Ex. H. of M. D. Richardson dead
Attest D. C. Sewell Clerk

and found documents
of any year

Alpha A. Fowler

Filed in open Court and
by leave thereof June the
14th 1895-
A B Munsey Clerk

Alpha A. Forester, Comolt.,

vs.

Decree Final.

J.L. Pennington et als, Defts.,

This cause came on this day to be heard upon the papers formerly read therein, and the report of Comr. E.W. Pennington, filed in this cause on the ^{17th} day of February, 1897, showing his disbursements of funds, and the execution of the deed required to be made by him to said Alpha A. Forester, and was argued by counsel. On consideration of all which and for reasons appearing to the court, said report and deed filed therewith, being unexcepted to, it is adjudged, ordered and decreed that said report, disbursements, and deed be and are hereby confirmed, and said E.W. Pennington, for making the said deed is allowed the sum of Five dollars. The clerk of this court will on demand from said Alpha A. Forester deliver to her said deed. There being nothing farther to be done in this cause, it is ordered that the same be stricken from the docket.

Alpha A. Forster
vol } original
J. C. Cunningham et al

CBP 584

Exter this
~~June~~ 8 1897
~~March~~

M. Z. M.

Alpha A. Forister Complt-

vs. } In Chancery
J. S. Pennington et al Defts.

This cause came on again
this day to be farther heard upon
the papers formerly read therein
and the report of sale made
by Comr. E. W. Pennington filed
therein on May 22nd, 1896. On
consideration of all which
and for reasons appearing
to the court & that said report of
sale is unexcepted to, it is
adjudged, ordered and decreed
that said report and sale to
said Alpha A. Forister be and
the same is hereby confirmed.
And it farther appearing from
said report that on the debt of
said Complt. against said de-
fendants they owed still over
her the sum of \$814.56 as of
March, 16th 1896. It is therefore
considered by the court that
said Complainant recover
from said defendants the sum
of \$814.56 with legal interest

Thence from March, 16th, 1896
 till paid, and for which execution
 may issue. And it further ap-
 pearing that said Alpha A.
 Forister has not paid to said
 Amos. Huntington the costs of
 suit and commissions of sale,
 it is ^{adjudged} ordered and decreed
 that she at once pay the
 same to said Huntington, who
 will pay the same to those
 entitled thereto. And this And
 cause is continued. it is
 further adjudged, ordered and decreed
 that Ed. H. Huntington who is hereby
 appointed a special Commissioner for
 the purpose well after said

Alpha A. Forister

vs

Ed. H. Huntington et al

O. B. P. 416

enter this

1896.

June

costs are paid, made to said Forister
 a deed with commissions of special
 warrants to said lots of land. And
 she will report his return to court
 and this cause is continued.

Alpha A. Forester Complt.

vs.

J. L. Pennington et al Defts

} In Chancery.

This cause came on this day to be heard upon the bill of the Complt., and exhibits filed therewith, the joint answer and demurrer of B. H. Sewell and S. V. F. Richmond adverse, de bonis non of the estate of M. S. Richmond, and the joint answer and demurrer of J. L. & J. D. Pennington and written exceptions thereto, and was argued by Counsel. On consideration of all which, said exceptions to said Penningtons answer is sustained and all of said demurrers to said bill overruled; and upon the sustaining of said exceptions to said Penningtons answer, ^{they parties to file any further answer herein} ~~by leave of the Court, they were allowed to file their amended answer, to which the plaintiff in writing excepted, which are~~; and therefore this cause came on to be further heard upon the papers aforesaid and the said amended answer of said defendants J. L. & J. D. ^{and for reasons appearing to the Court} ~~Pennington~~, it is adjudged, ordered and decreed that the plaintiff has notice on lots, 14 & 15 in said ledger deed of trust mentioned, and said deed of trust creditors have the right to proceed to sell the same under this deed of trust, if they so desire, pursuant to the terms of said deed of trust; that the plaintiff recover from the said J. L. & J. D.

1 Punnington the sum of \$1600⁰⁰ with
2 legal interest thereon from the 22nd day
3 of September, 1892 till paid, subject to
4 a credit of \$655⁰⁰ as of June 1st, 1894
5 and the costs of this suit, which recovery
6 is a first lien on the eight lots mentioned
7 in said Cause; and That if said sum
8 of money said the costs of this suit is
9 not paid in 30 days from this day, then
10 E. W. Punnington, who is hereby appointed
11 a special Commissioner for the purpose, after
12 advertising the time, terms and place
13 of sale for 30 days by written or printed
14 notices posted at the front door of
15 the Court-house of this County, and at the
16 post office in the Town of Punnington
17 Gap, Va., and at such other places as
18 he may deem proper, on some Court
19 day, at the front door of the Court-
20 house of this County, at public auc-
21 tion and to the best and highest bidder
22 will proceed to sell the lots of
23 land in said Cause mentioned, or enough
24 thereof to pay said debt, the costs of
25 this suit and the Commissioners of sale,
26 omitting 10% on which said Swell
27 & Richmond & deers, &c., have a second
28 lien by virtue of their said deed of trust,
29 if the other senior will pay said plaintiff
30 debt. The costs of this suit and commis-
31 sioners of sale, on a credit of one and
32 two years time, except the costs of this

1 suit and Commissions of sale he will re-
2 quire to be paid down. For said deferred
3 payments he will take bonds payable to
4 himself as such Court, bearing interest from
5 date of sale, and with good security.
6 But before proceeding to execute the
7 terms of this decree, said Court. Pen-
8 ington will execute bond before the
9 clerk of this Court in a penalty of
10 \$1500⁰⁰, Conditioned as the law re-
11 quires in such cases. And he will
12 report his action to Court. (And this
13 Cause is Continued. And it being
14 suggested the parties have compro-
15 mised the matter in this cause,
16 among themselves, before said Court.
17 Penington proceeds to see said land
18 he will ascertain whether such
19 compromise has been made, and
20 if made he will then in that
21 event not make said sale. And
22 this Cause is Continued
23
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32

Alpha Forester

vs { Dene

J.R. & J.S. Pennington

Entered O.D.,
Page 243

enter this
June 15/98

W J M

Alpha A. Forester

vs.

In Chancery

J. L. Pennington et al

This day ~~came~~ This
Cause came on to be heard
upon the bill of the Complainant,
and the demurrer of the defendants
therein on the ground that, D. C. Sewell
a party in interest is not made
a party defendant, ^{to said bill} and the Court
being of opinion that said
Sewell should be made a
party to said Cause, doth sus-
tain said demurrer; but on motion
of said plaintiff she is granted
leave to amend her bill mak-
ing said D. C. Sewell trustee
a party to said Cause, which
amendment by consent is
made at bar and the said Sewell
trustee ~~is~~ ^{is} his appearance
to said Cause ~~has~~ - And
this Cause is continued of

Alpha A. Foster
vol 3 Decm no 1 -
J. L. Pennington et

Q. B.
Page 160

Enter this
March 8th 1895.
W. J. M.

Aloha A. Forester. Complt..

vs.

J.L. Pennington etals. Defts..

To the Hon. E.T. Miller, Judge of the Circuit Court for Lee County:—

Your undersigned commissioner in said cause begs leave to report, that he has collected the costs, \$49.44, in this cause; that he retained for commissions, \$17.00, atty fee \$15.00, paid W.R. Kirk, Ds. \$2.50, paid S.V.F. Richmond, \$3.20, paid A.E. Munsey clerk, \$6.74, and retained \$5.00 for making said comolt. a deed. And also in pursuance to an order entered in this cause at the June term, 1896, wherein he was directed to make said Aloha A. Forester a deed to the eight lots of land mentioned in said comolt's bill, he begs leave to report that he has executed said said, and herein file the same, and recommends its confirmation.

All which is respectfully submitted.

This Feb., 1st., 1897.

E. W. Pennington.....
Special Contr.

Alpha A. Forster
vs } Report of
 } Decd etc.

J. C. Pennington et al

Filed February 17th 1897
A B Munsey Clerk

Alpha A. Forister,

Complt.

vs.

In Chancery.

J. L. Pennington et al.

Defts.

To the Hon. W. T. Miller, Judge of the Circuit Court for Lee County

The undersigned, who was on the 15th. day of June, 1895, appointed a special commissioner in the above styled cause to sell the lots of land in the bill and proceedings mentioned, or enough thereof to pay the said complainants said debt, the costs of this suit and commissions of sale, begs leave to report, that after advertising the time, terms and place of sale for more than thirty days at the front door of the court house of this county, and at the post office in the town of Pennington Ga. and in the "Pocket" country, on March, 16th., 1896, that day being the first day of the County Court for Lee County, at the front door of the court-house of this county, in the presence of a large crowd of people, he offered said lots of land for sale to the highest and best bidder, or enough thereof to pay said complainants said debt, the costs of this suit and commissions of sale, on the terms set out in said decree. After crying said sale for some time, the eight lots of land mentioned in said cause were knocked off to said plaintiff, Mrs. Alpha A. Forister, who was the highest and best bidder, for the sum of \$400.00. The costs of said suit, according to the taxing of the clerk is \$32.44, and the commissions of sale \$17.00, making in the total to be paid by the purchaser \$49.44. But up to the present time, the said purchaser has not ^{paid} to me the said sum of \$49.44; thus leaving after said costs and commissions are taken out, the sum of \$350.56 to be applied on the debt of the said complainant, which amounted to the sum of \$1165.30, on the day of sale, and said \$350.76 taken therefrom would leave \$814.56 still due said complainant. Your commissioner did not take any note or bond from ~~the~~ said purchaser, because the money was going to her. Your comm. thinks this ^{is} as good a sale as can be made of said lots, and recommends that it be confirmed, and such steps taken as may be deemed proper to compel the payment of said costs and commissions of sale. All which is respectfully submitted. This the 20th. day of May, 1896.

E. H. Pennington

Special Commissioner.

\$814.56 as of mch 16, 1896 -
42% Int to Sept 16, 1903

1628
3256
34188 Int
814.56
1756.42

Alpha A. Forister

vs } Report of
Sale

J. L. Pennington & Co

Filed May 22nd 1896

A. B. Munsey Clerk

Exhibit B. 1-3

This Deed made this 26th
Day of May 1894 between George T. Under
and Susan Under his wife of the first
part and D. G. Sewell trustee of the first
part of the second part all of
County of Lee and State of Virginia
whereas the said George T. Under is
justly indebted to B. H. Sewell and
S. F. Richmond Administrators of
the estate of M. D. Richmond
deceased in the sum of Seven hun-
dred and thirty four dollars and
forty six cents, as appears by the two
bonds of the said George T. Under
bearing date on the 2nd Day of February
1894, which the said Under executed
to the said B. H. Sewell and S. F.
Richmond Administrators as a-
foresaid, & said bonds are payable
twelve months after date, which said
Debt, the said George T. Under binds
himself to pay when due, and is now
desirous more effectually to secure
therefor, this Deed Witnesseth, that
the said George T. Under and Susan
Under his wife, for and in consider-
ation of the premises, and for one dollar
to them in hand paid the receipt-

whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said D. B. Sewell trustee as aforesaid, and his heirs forever, the following tracts or parcels of land, situate lying and being in the Town of Pennington Gap and "Pocket Country" in Lee County Virginia. The first tract of land, is all that certain tract or lot of land situate ^{and} lying in the Town of Pennington Gap Lee County Virginia and known as lots No 13, 14 and 15 in Plat No. 1 of the S. B. Forester Town Plat & further described as follows, to wit: Beginning on north side of Fore Street and running north 169 feet, or to the evidence line, and with her said line westwardly 100 feet, thence southwardly 169 feet to Fore Street, thence with said Street to the Beginning; said lots were conveyed by Mary Ely to the said George T. Under, by Deed dated on the 20th Day of May 1893, & said Deed is recorded in the Clerk's office of the Lee County Court in Deed Book No 29 page 339, and reference is hereby

made to said deed for a more
particular description of said lots
of land. The second tract of land is
all that certain tract or parcel of
land lying and being in the
"Pockett Country" on the waters of
Straight Creek, in Lee County Virginia,
containing 90 acres more or less. This
said tract of land was conveyed by
George J. Tapier and Evaline his wife,
to the said George T. Linder by deed
dated on the 17th day of January
1889, and said deed is recorded in
the Clerk's office of the Lee County Court
in Deed Book No 24 Page 48. And ref-
erence is hereby made to said deed
for a more particular description of
said tract of land. To have and to
hold said tracts or parcels of land
with their appurtenances unto the
said D. B. Seivoll trustee and his
heirs forever. And the said George T.
Linder and Susan his wife hereby
covenant with the said D. B. Seivoll
trustee that they will warrant gen-
erally the tracts or parcels of land
hereby conveyed. In trust nevertheless,
this conveyance is to be void,

if the said George T. Under shall pay
to the said B. H. Sewell and S. F.
Richmond administrators as aforesaid,
said debt of \$734.⁴/₁₀₀ evidenced
by the said two bonds aforesaid,
when said two bonds become due,
together with the expense of drawing
and recording this Deed. But if De-
fault be made in the payment of
said debt or any part thereof when
due and payable as aforesaid, then
full power and authority is hereby
given and granted, to the said
D. C. Sewell Trustee as aforesaid, when
requested by the said B. H. Sewell ^{and}
S. F. Richmond Administrators as
aforesaid, so to do, to proceed to sell
said tract or parcels of land, or so
much thereof as may be necessary to
pay said debt with any accrued
interest thereon, on six months time
from the time said bonds shall
become due, except the costs and charges
of executing this trust which shall
be for cash in hand, to the highest bid-
der, at public auction at the front
Door of the Courthouse of said County

On some Court Day, after having advertised the time, terms and place of said sale for thirty days prior thereto, And out of the proceeds of said sale shall pay, first all costs and charges attending the execution of this trust. Secondly shall pay said B. A. Sewell & S. F. Richmond Administrators as aforesaid, the said debt and interest, or so much thereof as shall then remain unpaid and the residue, if any shall pay to the said George S. Ender. Witness the following Signatures and seals, the Day and Year first above written.

George S. Ender Seal
Susan ^{her} _{mark} Ender Seal

Witness as to Susan Ender
James R. Reynolds,

State of Virginia }
County of Lee } to wit:

I W. K. Hopkins a Notary Public for the County aforesaid, in the State of Virginia, Do certify that George S. Ender and Susan Ender his wife, whose names are signed to the

Writing above, bearing date on the
26th Day of May 1894, have acknowledged
the same before me in my
County aforesaid. Given under my
hand this the 26th Day of May 1894.
W. H. Hopkins C. P.

Virginia

Lee County to wit:

In the office of the clerk of
said County the 26th Day of May 1894,
this Deed of trust was presented
and together with the certificate there
to annexed admitted to record

Teste: S. V. F. Richmond clerk

A copy - Teste: S. V. F. Richmond clerk

George A. Kinder
Adm'r of Trust
Severell C. Richmond

Adm'r

Recorded in Deed

Book No. 30

Page 146

"A Copy"

\$1.20

Recorded in Deed Book
No 29 Page 322
J. F. Richmond Clerk

This Deed made the 21st Day of
July in the year 1892 Between
James D. Pennington & Mary A
Pennington his wife ^{and} John L
Pennington & Family E. Pennington
his wife all of the first part
^{and} Mary Ely of the second part all
of the County of Lee ^{and} State Virginia
Witnesseth that in consideration
of the sum \$1500⁰⁰ Dollars paid to
the parties of the first part the
parties of the first part hath granted
unto the party of the second part
all their right title ^{and} interest
in three certain lots of land known
as the Alphy Forster lot in the
A. D. Zion land on the north
side of Forster Street in plat no.
one of J. B. Forster town plat and
known as no. 13 thirteen ^{and} fourteen
^{and} fifteen containing four wit begin-
ning on Forster Street running
north 169 ft or to widow Zion line
^{and} with a line of the same west-
ardly one hundred ft and thence
southwardly one hundred sixty
nine ft to Forster Street thence with
a line of the same one hundred

As to the Beginning the parties of
the first part except the growing
crops for this year

To have and to hold said tract
or parcel of land with all the
appurtenances unto the said Mary
Jelly ^{and} her heirs forever and the
parties of the first part Covenant
that they will warrant generally
the title to the land hereby convey-
ed and to be free from all in-
cumbrances. Witnesseth the following
signature ^{and} seal.

James D. Pennington ^{seal}
Mary A. ^{her} Pennington ^{seal}
John L. ^{mark} Pennington ^{seal}
Fanny E. ^{her} Pennington ^{seal}
^{mark}

N. O. Myers a Justice of the Peace
for the County & State aforesaid do
certify that James D. Pennington
+ Mary A. Pennington ^{and} John L.
Pennington + Fanny E. Pennington
whose names are signed to the
 foregoing Deed bearing Date on
the 21st Day of July 1892 personally
appeared before me ^{and} acknowledged

the same in my County aforesaid
to be there acknowledged
Given under my hand this 22nd
Day of July 1892.

John A. Myers J. P.
Virginia, Lee County, to wit:

In the Office of the Clerk of the
said County the 5th Day of June 1893
this Deed was presented and to-
gether with the Certificate thereo
annexed, admitted to record.

Teste: John R. Gibson
Clerk

A. Copy Teste: A. V. F. Richmond Clerk.

Mary L. Tely.

From { Copy of Deed

J D T H Pennington
"B"

c 60 cts
"

Mullane Book
to
Lands & Survey

Recorded in Deed Book
No. 29 Page 339

This Deed made this the 20th
Day of May in the year one thousand
and eight hundred & ninety three
Between Mary J Ely of Pennington
Chs Virginia party of the first
part & George T. Linder of Lee
County Va party of the second
part. Witnesseth. That in
consideration of the sum of seven
hundred & fifty — Dollars \$750.⁰⁰
in hand paid the receipt of which
is hereby acknowledged the said
Mary J Ely party of the 1st part
Doth grant unto the said George
T. Linder party of the second part
with General Warranty all of a
certain track or lot of land lying
& being in the town of Penning-
ton Chap Va & known as lots No 13
- 14 & 15 in plat no one of T. B.
Forrester Town plat & further Describ-
ed as follows to wit Beginning
on north side of Forest & running
north 169 ft to the Widow Jones
line & with her said line west-
wardly 100 feet thence southwardly
169 feet to Forest Street thence with
said St to the Beginning. To Have

to hold said lot or parcel of land
together with all its appurtenances
every part thereof to himself his
heirs & assigns forever. The said
Mary J. Ely covenants that she has
the right to convey the said land
to the grantee; that she has done
no act to encumber the said land;
that the grantee shall have quiet
possession of the said land free
from all encumbrances. And that she,
the said party of the first part,
will execute such further assur-
ance of the said land as may
be requisite. Witness the following
signature & seal.

Mary J. her Ely Seal
mark

Attest as to Mrs Elys mark
W. H. Hopkins

State of Virginia

County of Lee, to wit:

W. H. Hopkins a notary
Public for the County aforesaid in
the State of Virginia, Do certify that
Mary J. Ely — Pennington Paper

whose name is signed to the ^{within} writing, bearing Date on the 20th Day of May 1893 has acknowledged the same before me in my County aforesaid. Given under my hand this 20th Day of May 1893

W. K. Hopkins Notary
Virginia Lee County to wit:

In the Office of the Clerk of said County, the 20th Day of June 1893.

This Deed was presented ^{to me} with the certificate annexed, admitted to record at 9 O'clock A.M.

Teste: John R. Gibson
Clerk

Attest: J. V. D. Richmond Clerk

Mary J. Ely
To Copy of Deed
George T. Leider

C 60 cts
"

Know all Men by these Presents, That we

E. W. Pennington
and *A. M. Goins*.

are held and firmly bound unto the Commonwealth of Virginia, in the sum of *Fifteen*
Hundred dollars, to payment whereof, well and truly to be made to

the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond, or by virtue of said office or trust, in any currency, funds, counter claims or offsets other than legal-tender currency of the United States.

Sealed with our seals, and dated this *13th* day of *July*
one thousand eight hundred and *Ninety-five*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound *E. W.*
Pennington
shall faithfully perform the duties of *his* office or trust, as *Commissioner*

under a decree of the Circuit Court of the County of Lee, pronounced on the _____ day
of *June*, 189*5*, in the suit therein depending under the name and style
of *Alpha A. Farrester vs J. L. Pennington*
et al

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
presence of

A Copy Teste

A. B. Munsey

E. W. Pennington [SEAL.]

A. M. Goins [SEAL.]

[SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day _____
suret on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court
of the County of Lee, that _____ estate after the payment of all _____ just
debts, and those for which _____ bound as securit for others, and expect to
have to pay worth the sum of _____
_____ dollars.

Given under my hand this _____ day of _____ 189 .

Teste: _____ Clerk

Alpha A Forrester
vs

J L Pennington et al

Copy

to { COMMISSIONER
BOND.

Commonwealth.

1320

Received of E. W. Pennington Commissioner
Three & 20/100 dollars my costs in
the case of Alpha A. Forester vs
J. W. Pennington. This rec'd 2/1/98

E. V. P. Richmond

Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

James D Pennington, John L Pennington, George T Berider, Mary J Ely and B. H. Sewell and S. V. F. Richmond, Admors of M. D. Richmond's deed Estate

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *February*, 189*5*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Mrs Alpha A Forrester,*

And have then there this writ Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

21st day of *January* 189*5*, and in the 11 *9th* year of the Commonwealth.

Commonwealth.

A. B. Munsey Clerk.

A copy

Teste A. B. Munsey Clerk

vs. { SUPCENA
IN CHANCERY.

p. q.

To..... Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

James D Pennington, John L Pennington, George T Lerider, Mary J Ely and B. H. Sewell and S. V. F. Richmond's admors of M. D. Richmond's decd Estate

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *1st* Monday in *February*, 189*6*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Mrs Alpha A Forrester*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

21st day of *January* 189*6*, and in the 11 *9th* year of the

Commonwealth.

A B Munsey Clerk.

Alpha A. Forrester

vs.

{ SUPCENA
IN CHANCERY.

J D Pennington et al

P. Bros

p. q.

To 1st February Rules,
Circuit Court.

Executed January
the 26 1895.
By delivering
acopy of this
copy in chancery
to J. D. Pennington
J D Pennington
J T. Brice
J V. H. Richmond
J B. H. Sewell
M K Kirk D
for C B Kearney
J L C

Alpha A. Forister

v.s. { In Choncy

J. L. Pennington.

Pennington Bros. & Co.

1895 1st Feb'y rules bill filed & pa
Executed & Decree nisi
" 2nd Feb'y rules & N. Conf'd
& Cause set for hearing by
Plff.

Plffs Costs
C 4.24 Plfy Fr.
Co Clk 3.20 Pl.
Lat 1.80 Plfy Fr.
Atty 15.00 Pl.
Estimated 5.00 Pl.
38.44

com 17.00 Pl.

48.44

8.00 Pl.

56.44

20.00

36.44

5.00

41.44

Sold 8 sets to

Mr. Alpha For-

ister for \$400

Mar. 16/96

E. H. T.